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EULOGY AND SERMON.

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EULOGY

XXIV.

DELIVERED ON THE OCCASION OF THE DEATH OF

HON. DAVID JOHNSON,

AT

UNIONVILLE. S. C., APRIL 28, 1855,

BY COL. T. N. DAWKINS.

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COLUMBIA, S. C.:  
STEAM POWER-PRESS OF R. W. GIBBES.  
1855.

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FOR THE YEAR 1800

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## CORRESPONDENCE.

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UNIONVILLE, S. C., May 2d, 1855.

COL. T. N. DAWKINS.

Dear Sir: At a meeting of the Joint Committee on the part of the citizens of this District, Johnson Riflemen, and Union Lodge No. 75, A. F. M., the following resolutions were unanimously adopted:

*“Resolved, That the sincere thanks of this Committee be returned to Colonel Dawkins, for the eloquent and appropriate Eulogy pronounced by him on the late Governor Johnson, at their request on Saturday the 28th ult.*

*“Resolved, That a Committee of Three be appointed to wait on Colonel Dawkins and solicit a copy of the same for publication.”*

In accordance with the above Resolutions, and expressing our individual wishes, we earnestly request your address for publication.

Very respectfully, your obedient servants,

D. GOUDELOCK,

S. R. GIST,

ISAAC G. McKISSICK,

*Committee.*

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UNION C. H., S. C., May 2d, 1855.

MESSRS. D. GOUDELOCK, S. R. GIST, AND J. G. McKISSICK.

Dear Sirs: Your favor of this instant, requesting a copy of the Address which I had the honor to deliver on the 28th of April, has just been received. The manuscript is at your disposal.

Very respectfully, yours, &c.,

T. N. DAWKINS.



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## EULOGY.

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I APPROACH the discharge of the duty, which has been assigned me by your partiality, on the present occasion, with a painful anxiety—not from a reluctance on my part to discharge the duty, but because of a thorough conviction that I cannot say any thing which may justify your expectations, or add honor to the memory of our lamented friend. At a meeting of the citizens of this District, on hearing of the death of Governor Johnson, a resolution was adopted appointing a committee to select some person to deliver a eulogy in honor of the memory of the deceased—corresponding committees were appointed by the Masonic fraternity of this Village and the Johnson Riflemen—they have been pleased to select me for that purpose, and, in obedience to their summons, I appear before you.

The providence of God is inexplicable to man. It would be impious to raise the question, why a man of great usefulness, of matured and unimpaired intellect should be cut off, and others of less usefulness, apparently doing no good for God or man, should be permitted to remain. Such, however, is the destiny of all humanity sooner or later. God's providence being established, it is our duty, however great may be the loss, no matter how deeply we may feel it, to yield a cheerful obedience. Though we may not question its justice and correctness; yet, when a great man has fallen in the Commonwealth, when he has been the benefactor of his race, it is our duty to do justice to his memory, and hold up his bright example as worthy of imitation, and as far as may be, to perpetuate his name by all the legitimate means in our power. This is our purpose on the present occasion.

It is not the lot of all good men to fill high and honorable stations; and in all positions in life, the honor lies in properly discharging the duties incident to them. The loss of an obscure good man is felt by his family and friends; but of him little could be said. It was, however, the fortune of the Hon. David Johnson, not only to be a good, but a great man, and to have been identified with the history of his State; filling all the gradations of office with great honor to himself and usefulness to his country, and a recapitulation of those without comment would, perhaps, be the best eulogy which could be pronounced.

He was born in Louisa county, in the State of Virginia, on the 3rd day of October, in the year 1782—his father removed to this State in the year 1789, and settled on the eastern side of Broad river in Chester District—and Governor Johnson resided ever afterwards in this State, which he loved with all the devotion of a son. It is a matter of little moment what spot of earth marks a man's birth-place, he may, by subsequent achievements, reflect honor on his birth-place, his birth-place not on him; but who would object to claim the Old Dominion, the mother of States, the land of great men and of Washington as his birth-place.

His education preparatory to the study of the law was defective—at the period of his arrival in South Carolina, and for years afterwards, the means of obtaining an education in the upper part of this State were very limited—he was placed, however, at a grammar school in York District, under the government and supervision of the Rev. Joseph Alexander, a Presbyterian clergyman, in the year 1796. What period of time he spent there is not certainly known; but the pecuniary condition of his father, the Rev. Christopher Johnson, a worthy minister of the Baptist denomination being limited, it may fairly be presumed he did not continue until he entered that course of life, which was the forerunner of his subsequent great usefulness, and constitutes the most interesting period of his life—the choice of a profession.

The Hon. Abram Nott—afterwards one of the most distinguished judges that has adorned the bench of this State—a man of great acumen, high attainments and undoubted probity, in the year 1799 was a practising lawyer in this District, in that year Governor Johnson entered the office of the late Judge Nott as a student at law, and by his perseverance and devotion to his studies, was admitted to the bar in the year 1803, and in December of the same year settled at this place. Immediately after his admission to the bar, the industry which he had shown in the prosecution of his studies, and his firm integrity of purpose, induced Judge Nott to tender him a partnership in the practice of the law, which was accepted and continued until Judge Nott's removal to Columbia, leaving in the hands of Governor Johnson a heavy business, which was conducted in such manner as not only to retain his clients, but to greatly increase them.

The tendency and desire of a large proportion of the legal profession, not only in this State, but in the whole American Confederacy, appear to be towards political preferment and position. There appears in all democratic countries, especially on the part of the young, to be a desire for the applause of the multitude. I am satisfied that Governor John-



son had no wish to pander to the public sentiment (as his subsequent life will show, which will be adverted to hereafter), but at the solicitation of his numerous friends who were anxious to indorse not only his professional bearing, but also his conduct of the two offices of Ordinary and Commissioner in Equity, which had been conferred upon him without his knowledge, and which he had previously resigned. In the year 1810, after a very brief canvass, he was returned to the Legislature as one of the members of this District, by a very handsome majority; and previous to the end of the term for which he was elected, in December, 1811, he was chosen by the Legislature Solicitor of the then Middle, now Northern Circuit. Here ends his political career. He never after aspired to an office before the people, and entered upon a course of life, in the legal profession, which was more congenial with his taste, and for which he was eminently fitted.

He was never distinguished for power or eloquence as a popular debater. Though a man of large frame and uncommon muscular power, he had not that intonation or capability of extension of voice which fitted him for a public disputant. As an advocate he made no pretensions to declamation, and never attempted it, but the statements of his points were always clear, his arguments forcible, and the manner of conducting his cases such, as not only to attain success at the bar, but to demonstrate that he had qualities which more eminently fitted him for a higher position in his profession—and accordingly he was elected, in the year 1815, one of the Law Judges of South Carolina, over a gentleman of great talents and deservedly high reputation.

In the discharge of the duties of the various offices of a Judge in the different departments which he was called upon to act, until December 1846, when he voluntarily resigned, no man has ever given more satisfaction. He had high qualities for the duties, not remarkably quick in the perception of the points of a case, but of mature judgment, waiting to hear the whole case, and then deciding with ability and clearness.

In the year 1824, in consequence of the great accumulation of business on the dockets of the Constitutional Court and the Circuit Courts, (an appearance in a case of unlitigated debt, amounting to an injunction for years, and being virtually a denial of justice,) the Legislature, to remedy the evil, re-organized the Courts, so as to form a separate Court of Appeals to consist of three members, who were to be selected from the Judges or Chancellors. At this time Governor Johnson was the youngest man on either bench, and he believed, that in its organization, that at least one of the three members should be taken from the Chancery

bench, he so expressed himself; desired that his name should not be used as one from which this selection should be made, and indicated a man of large experience, high reputation and unblemished integrity, the late Chancellor DeSaussure, as being his preference.

There was, however, at that time a great prejudice against the Chancery system, and, contrary to his expressed wishes, he was chosen by the Legislature as one of the members of the Court of Appeals. Their duties were arduous and laborious in the extreme, and no men in South Carolina have ever performed more intellectual labor in the same time, and for less compensation, than the several members of this Court did. With what ability Governor Johnson performed his part, is no matter of doubt, and depends on no eulogist; it stands as a matter of record, and, as long as South Carolina has a judicial history, his opinions, to be found in Bailey's and Hill's Reports, will remain as enduring monuments to his memory. His style was judicial—he decided the case, the whole case, and nothing but the case. The veriest novice can understand what is decided, and will not be misled by ambiguity or metaphysical abstractions and speculative opinions, not necessary to the decision of the case.

The bench of this State has, at all times, been adorned by the highest talent, and if I was called upon to select from our books a model of judicial writing, I would prefer the opinions of Governor Johnson. From the earliest period of regulated civil liberty the subject of testamentary disposition of property has engaged the attention of Legislators and Jurists. Some of the clearest and ablest opinions on the subject of wills are to be found in the English Ecclesiastical Reports, and one would have supposed that the precise technical meaning of a will was long since ascertained and defined; yet, a late English writer on the subject of wills,\* of great ability, and whose book is recognized as authority in our Courts, has adopted the definition of a will given by Governor Johnson in a case to be found in one of our books of Reports. This is certainly a high compliment, and speaks more loudly in his favor than any thing I could say.

By the previous death of one of the members of the Court of Appeals and the resignation, in the year 1832, of another, Governor Johnson became the President of that Court, and so remained until it was dissolved in the year 1835. It would be unsuited to the occasion, to discuss the reasons which led to the abolition of the Court of Appeals, or the opinions of the respective political parties which existed in this

\* 1 Jarman on Wills, p. 1.

State from the year 1830 to 1835. That is of the past, and there let it remain, and be forever

“In the deep bosom of the ocean buried.”

So much, however, as is matter of history and of record, we may properly speak. In 1832, a Convention of the people of this State passed an ordinance to nullify the tariff law adopted by Congress to collect duties on imports, and the Legislature at its session of the same year, passed an Act to carry its provisions into effect, and required all officers, civil and military, under certain circumstances, to take a new oath of office. The oath was refused to be taken by two military officers, and the cases carried to the Court of Appeals for adjudication in the year 1835. For several years previous there had been a most violent party contest going on in this State, separating in its bitterness friends, kindred and families; a considerable majority of the people were in favor of the ordinance of the Convention, and of course of the Act of the Legislature passed to carry out the same. Governor Johnson belonged, in the political contest, to the weaker party. Such was the excited state of public feeling, that it was confidently believed that even if Governor Johnson's opinion was adverse to the law, he could not go in opposition to it—those who entertained such opinion knew not the man, he had too much of virtue, of Roman courage to be deterred from expressing any opinion which he honestly entertained, and he and another member of the Court constituting a majority, decided against the law.

There are no people in the world more devoted to principle than the people of South Carolina. When questions are presented for popular consideration and action, parties, if there be difference of opinion, are organized, and each man acts with his party irrespective of personal considerations. But so soon as the cause for difference is removed or passed by, no matter how violent may have been the contest, or high the angry feelings excited, all party lines and distinctions are effaced, and the people fall back as friendly members of the same common family. Such was the case here, then, and since—and Governor Johnson's old friends shortly after, though estranged from him for a time, were restored and continued amongst his warmest and best friends, and now are among the first to unite “in his ashes honor.”

When the Court of Appeals was abolished, it became necessary to re-organize the Law and Equity Circuits, and transfer the members of that Court to performance of Circuit duties, in addition to meeting

with other Judges and Chancellors in separate Courts, to hear and determine appeals from their respective Circuits. Two members of the same had, by the new organization, to be transferred to the Chancery bench. Chancellor Harper had long been distinguished as an officer of that Court, and he was assigned that position by general consent. Judge O'Neill, before his elevation to the Appeal bench, had been distinguished as a Law Circuit Judge for his remarkable quickness of perception, his great and uncommon dispatch of business, for both of which qualities he never had and has no superior.

Governor Johnson in his professional career, had little practice in the Court of Chancery—cases in that Court being of rare occurrence in this section of the State at that time—Governor Johnson desired, in the arrangement then to be made, to be placed on the Law bench, and though Judge O'Neill's personal predilections were in favor of that position, and the selection had to be made between them, he, with that liberality and devoted friendship which have always characterized him, waived all pretensions for the Law bench, and urged his friends to place his colleague in the position he desired. The Legislature, however, did not act in accordance with the wish of the one and the consent and cordial approval of the other. Governor Johnson was assigned to the Chancery bench, and Judge O'Neill to the Law bench, and Governor Johnson from that time, to his resignation in the year 1846, performed the duties of a Circuit Chancellor, and also presided in the Equity Court of Appeals. This forms the only instance in a long life of honorable service in which his generous constituency failed to accord to him any position he desired, and the sequel will show the universal satisfaction he gave. Though he entered upon the discharge of the high duties of, to him, a new station with some distrust, no man ever gave more satisfaction.

I cannot do better here than to introduce a copy of the Preamble and Resolutions, unanimously adopted by the General Assembly of this State, on the reception of his resignation as Chancellor.

“DECEMBER 5th, 1846.

“The General Assembly of South Carolina receive the resignation of the Hon. Chancellor David Johnson with deep and unaffected feeling. His long public services; his great ability and learning, added to his high moral dignity and worth, have contributed to advance the prosperity and character of the State; and it is with the highest gratification that the General Assembly express the estimate in which he is held.

“*Be it therefore Resolved*, That upon the retirement of the Hon.



Chancellor David Johnson from the Judiciary of South Carolina, he carries with him the unfeigned regard, respect and admiration of the whole State, as well for his distinguished public services, as for his great ability and learning and elevated dignity and moral worth.

*“Resolved,* That the General Assembly impressed with these views and feelings, tender to the Honorable Chancellor their best hope that the enjoyment of the leisure of his age may be commensurate with the success which has uniformly crowned the labors of his life.”

The compliment was gracefully given, and certainly none ever better deserved. On retiring from the Bench he was chosen by the General Assembly without opposition, to discharge the duties of Chief Magistrate of the State. The duties of the Executive are few; and it certainly is an office from which laurels are not to be won. All its duties were honestly and constitutionally performed by him. During the term of his office, a call was made on South Carolina for a regiment of men to engage in the Mexican war—he lent his aid and influence, not only in organizing the regiment, but was zealous and attentive in providing for the wants and comfort of the soldiers, and assumed the responsibility of defraying their necessary expenses out of the public treasury, which subsequently received the sanction of the Legislature. The regiment thus organized under his superintendence and parental care proceeded to Mexico, and their conduct and chivalry in the war gained for them imperishable honor, and reflected upon the State they represented a reputation worthy of the brightest days of the Republic. They were always found where “the battle was the hottest, and the blood flowed the freest.”

The highest power appertaining to the office of the Executive is that of pardoning offenders against the law. It is one of great consequence to the community that it be prudently and discreetly exercised. The law is required to be executed in mercy; but it is a great mistake to suppose, and act upon the supposition that the criminal is the only individual entitled to mercy; indiscriminate mercy to the accused is cruelty to the community. There can be no doubt of the fact that this power has been very often misapplied in this State; and it is not surprising that it should have been so, considering the facilities with which applications for its exercise can be gotten up, and the power to be exercised placed in the hands of a man, however pure and firm, who is practically unacquainted with the world. The enlarged experience of Governor Johnson, his intimate associations with the people and knowledge of judicial proceedings, made his hands a safe depository of

this power; it was mercifully and firmly exercised by him; and during his administration the law had its due course. He knew too well that the judgment of an enlightened Court and Jury ought not to be virtually set aside, unless upon palpable reasons, which could not well operate on them.

There was no man who had a more kind or benevolent heart than he, and every refusal on his part to interpose the pardoning power, doubtless occasioned him great pain; though kind and benevolent, he had firmness, and never suffered his judgment or sense of duty to be controlled by his feelings. In his refusal to exercise this power he has been known to accompany it with a tear, giving evidence of a kind heart and a firm sense of duty.

Governor Johnson having thus passed through a long life of great public service and labor, at the close of his term as Governor, avowed his intention of retiring to private life, never again to mingle in the busy scenes of the world. No ordinary occasion would have changed this determination. He, however, loved his State too well to remain quiet when he considered her vital interests at stake. Accordingly, when the question of separate secession arose, we find him more than once addressing the people. The merits of that controversy are not to be discussed here. "His age, infirmities and inclinations, all conspired to render retirement desirable;" and the topic is alluded to here to incorporate a sentiment to be found in his first public address to the people of Spartanburg, than which none more patriotic ever fell from the lips of man, which was—"If I had but a day to live, that is due to South Carolina."

I have endeavored thus briefly, to present the most prominent official and public events of the life of Governor Johnson, who retired from public life, the most beloved and honored man of the State. A man may be firm and inflexible in administering justice—wise in council, and learned and forcible in composition—but there are qualities of the heart which may be wanting, and if so, the picture would be incomplete; in one sense of the word, a man may be great, but not good. It was in Governor Johnson, in addition to the virtues enumerated, to combine with them as great a share of the qualities of the heart as to enable him to perform all the social duties of life as possessed by any man. No better evidence could be given, than the estimation in which he was always held by the different individuals with whom he was associated, in the discharge of his judicial duties. A rival he never had; without envy or malice he was always ready to accord to his brethren the full meed of praise to which they were entitled. He never

considered that the success or elevation of one of his colleagues was any disparagement to him, and was, therefore, always prepared to do them ample justice. He was eminently characterized by kindness and urbanity to all young men of the legal profession. There was no young man who manifested a desire to succeed, to whom he did not lend a helping hand; giving them counsel and advice; looking over and correcting their errors and mistakes, and stimulating them to high and honorable action as the means of giving them success and distinction in their profession. There are but few members of the bar now in this State but were admitted to practice during his judicial career, and I have no doubt they will all, with one accord, testify to many favors and many acts of kindness and much benefit they received at his hands; by them, his memory will be cherished and respected whilst life lasts.

There never was a kinder neighbor or more hospitable man; none ever entered his door without receiving a cordial welcome. His friends and neighbors of the village of his late residence feel most deeply their loss, and though they are not clad in the habiliments of mourning, their language, often accompanied by a tear, clearly indicates the appreciation in which he was held.

I consider that here, it would be most appropriate to say a few words to the Officers and Brethren of Union Lodge No. 75 of Ancient Free Masons of South Carolina, who have united with us, as a body, in manifesting their high appreciation of the virtues of their deceased brother. It would hardly be expected that I should speak much of the merits of your order, whose "hieroglyphic light, none but craftsmen ever saw;" but as far as we can judge of the moral, benevolent and charitable objects of your association; from your public declarations and acts, your order deserves to be ever perpetuated. No association of men could have existed for more than five thousand years without possessing intrinsic merit; and what most remarkable is, that for such a length of time and with such an extent and variety of membership, your true secrets remain undivulged. It is a sufficient guarantee of your integrity of purpose, that you have always numbered amongst your members some of the purest, best, and most patriotic names. No American could well condemn an institution which had been adorned with the names of Lafayette and Washington. No institution governed by man has ever existed without occasional revolutions or differences of opinion tending to schism; the latter has to some extent been the fate of your order, and it is in healing some differences of opinion in this State in which Governor Johnson's name stands conspicuous; what were those differences the world is not advised, nor is it even desirable



they should be informed. But we must be satisfied that it was a difference rather of feeling and opinion than of principle, from the sanction of the high names given to the adjustment.

For some time previous to the year 1817 the Lodges had separated—one designated “The Grand Lodge of South Carolina,” and the other as “The Grand Lodge of Ancient York Masons”—committees were appointed on the part of the respective Lodges with a view to effect a re-union, and Governor Johnson was one of the committee on the part of the “Grand Lodge of South Carolina.” Terms for a settlement and re-union were effected, which were subsequently ratified by each, and they have since been known as the “Grand Lodge of Ancient Free Masons of South Carolina.” This re-union was, doubtless, much contributed to by Governor Johnson; he was the only man resident out of the City of Charleston on either committee, and was, therefore, enabled to enter into the negotiation with less of feeling and prejudice than operated on the others. He was subsequently placed in the position of Grand Master of the united Lodge, and for two years discharged the duties of that high station. I must leave you gentlemen, to do more justice and honor to his name than I am able to do.

Gentlemen, Officers and Soldiers of the “Johnson Riflemen:” You have, most properly, in addition to your character as citizens, as a military company, appeared to-day, to testify your regard for the man whose honored name you bear. But a few months since I had the honor for him, and in his name, to present you with a rifle, as an evidence of his appreciation of your kindness in adopting his name. I hardly expected then, that we should be so soon called on to deplore his loss. He has left an unsullied name behind him; it behooves you, as I know you will, to so deport yourselves as citizens and soldiers, that, that name shall remain untarnished. Let his virtues live in your memories, and his bright example be imitated.

It would be useless to say that Governor Johnson in all his domestic relations fully discharged his duty as a kind and affectionate husband and father; and he left behind him four children to deplore his loss. It is a matter of consolation, however, that they have all attained majority, and, therefore, do not so much require his parental advice and care. For his servants he felt and exercised a parental regard, and by his last will, though he gave his executors enlarged powers, he directed, if a sale of his property should become necessary, that “in no event are mothers of young slaves to be separated from their children under twelve years of age.”

Governor Johnson, for some time previous to his death, was conscious



of his approaching dissolution, and made all his temporal arrangements with the utmost calmness and resignation—giving particular instructions touching every thing necessary, and directed that his remains should be deposited in this village, by the side of the cherished companion of his youth, and the mother of his children, in the grave-yard attached to the Presbyterian Church, where lie the ashes of many of his old friends and acquaintances, and amongst a people whom he loved and by whom he was beloved. He died as he lived, a great man; and when the messenger came, he calmly resigned his spirit to God who gave it; and to “add greater honors to his age than man could give him, he died fearing God.”

